IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1298 OF 2005

The Manager, Darmilla Pvt.Ltd. ...Petitioner.

Vs.

Ramchandra Kanojia & Anr. ...Respondents.

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Mr.K.M. Naik for the Petitioner.

Mr.Rajesh Gehani for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

May 6, 2005.

P.C. :

The proprietor of the Petitioner who is present in Court, has instructed Learned Counsel to state that he is willing to allow the First Respondent to report for work at his Bombay establishment which is situated at 404, Jogani Estate, J.R.Boricha Road, Mumbai-400 011. The First Respondent who is present in Court has accepted the offer and has stated that he will accordingly report for work with effect from 9th

May 2005. Ordered accordingly.

In the circumstances, Counsel appearing on behalf of the First Respondent fairly states that in the meantime, until the application for restoration of the Reference is heard and disposed of by the Labour Court, the First Respondent will not take any step to enforce the award in so far as the issue of back wages is concerned. The First Respondent shall upon reporting for duty be paid at least the minimum wages that are due and payable under the Minimum Wages Act, 1948, until the Labour Court decides the question as to whether the Reference should be restored. Thereafter, parties shall abide by the final award of the Labour Court. The Petition is disposed of in the aforesaid terms. The impugned order of the Labour Court dated 19th April 2005, on the application for stay shall stand modified in the aforesaid terms.

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